

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY BOSWELL,

Plaintiff,

Case No. 17-14028

v.

Hon. John Corbett O'Meara

SOUTH LYON FENCE &
SUPPLY, INC.,

Defendant.

**ORDER GRANTING LEAVE TO FILE
FIRST AMENDED COMPLAINT AND DENYING
MOTION TO DISMISS WITHOUT PREJUDICE**

Before the court is Defendant's motion to dismiss, filed January 24, 2018, and Plaintiff's motion for leave to file an amended complaint, filed March 12, 2018. Defendant does not oppose Plaintiff's motion to file an amended complaint. In light of this, and because the "court should freely give leave when justice so requires," the court will grant Plaintiff's motion to file an amended complaint. See Fed. R. Civ. P. 15(a)(2). The court will also deny Defendant's motion to dismiss without prejudice. Defendant may respond to the amended complaint pursuant to the Federal Rules of Civil Procedure.

IT IS HEREBY ORDERED that Plaintiff's motion for leave to file an amended complaint is GRANTED. Plaintiff shall file his amended complaint by

April 16, 2018.

IT IS FURTHER ORDERED that Defendant's motion to dismiss is
DENIED WITHOUT PREJUDICE.

s/John Corbett O'Meara
United States District Judge

Date: March 29, 2018

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 29, 2018, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager